Supreme Court, U.S.
FILED

08-353

MAY 21 2008

No. _____

OFFICE OF THE CLERK

IN THE

Supreme Court of the United States

VAN LOCKWOOD,
3rd Party Standing,

Petitioners

vs.

JERE BEASLEY,
J. GREGG ALLEN,
WILLIAM G. O'REAR,

Respondents

Petition For a Writ of Certiorari
Judges Birch, Dubina, and Barkett
To The Eleventh Circuit Court of Appeal, Atlanta, Georgia

Judge U.W. Clemon
The United States District Court,
Northern District of Alabama

PETITION FOR A WRIT OF CERTIORARI

Supplemental Appendixes L and M
March 29, 2006 and April 27, 2006
Final Orders before Appeals No. 06-1298-EE,
11th Cir., 2006. Infra as page 108a
See Ap. pgs. 105a & 106a ck#007517...
no release on front or back was disputed.

APPENDIX L

FILED
2006 Mar-29 PM 0:2
U.S. DISTRICT COURT
N.D. OF ALABAMA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

VAN LOCKWOOD,
Plaintiff,

vs.

JERE L. BEASLEY, *et al.*,
Defendants.

* * * * * * * * * * * *

Civil Action Number
1:04-CV-1405-KOB

ORDER TRANSFERRING AND DISMISSING CASE

The present action, involving Plaintiff Van Lockwood, stems from the settlement in the *Tolbert v. Monsanto* 1:01-cv-1407-UWC Anniston PCB litigation. The *Tolbert* litigation was concluded on September 9, 2003, with a settlement. The *Tolbert* litigation involved close to 19,000 individual plaintiffs; the case was not certified as a class action.

After approval of the settlement, Plaintiff Van Lockwood filed 9 motion in *Tolbert* for summary judgment, against his lawyers, alleging that the settlement agreement reached in that case was inequitable. (Tolbert, Doe. 323.) When his motion for summary

judgment was denied in *Tolbert*, Mr. Lockwood filed a new case, this instant case, that was randomly assigned to Judge Karon 0. Bowdre. (1:04-cv-1 405-KOB.) Inasmuch as Mr. Lockwood's cause of action stems from the proceedings in *Tolbert*, the instant case is hereby transferred to the present Judge, who retained complete jurisdiction over matters relating to the *Tolbert* litigation. (Tolbert, Doc. 219, pg. 8.)

As part of the settlement in *Tolbert*, Mr. Lockwood accepted an initial settlement check. (Lockwood, Doc. 9, Ex. B.) In accepting that check, Mr. Lockwood signed a release that stated: "I hereby release, for myself and my heirs and representatives, all claims against ... my lawyer(s) and their affiliates to the full extent permitted under federal or state law." (Lockwood, Doc. 9, Ex. F, Gentle Aff) Because of this release language, Plaintiff cannot pursue his present claims against his lawyers. Accordingly, his-claims are hereby DISMISSED, with prejudice.

Costs taxed as paid.

Done this 29th' day of March, 2006.

U.W. Clemon
Chief United States District Judge

APPENDIX M

FILED
2006 Apr-27 PM 05:35
U.S. DISTRICT COURT
N.D. OF ALABAMA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

VAN LOCKWOOD,
Plaintiff,

vs.

JERE L. BEASLEY, *et al.*,
Defendants.

* Civil Action Number
* **1:04-CV-1405-UWC**

ORDER DENYING MOTION FOR REHEARING

Since, to the extent it is intelligible, the Plaintiff's Motion for Rehearing on the Merits For a Meritorious Defense for Reconsideration, (Doc. 46), is utterly devoid of merit, the Motion is hereby DENIED.

Done this 27th day of April, 2006.

U.W. Clemon
Chief United States District Judge